

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:17-cr-20-TWP-VTW
)	4:17-cr-21-TWP-VTW
RODNEY WAYNE PREWITT,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 10, 2019, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on August 20, 2019 (Docket No. 10 in Cause No. 4:17-cr-20-TWP-VTW; Docket No. 10 in Cause No. 4:17-cr-21-TWP-VTW). Defendant Rodney Wayne Prewitt appeared in person with his appointed counsel Jennifer H. Culotta. The government appeared by Abhishek Kambli, Assistant United States Attorney. U. S. Probation appeared by Officer Shallon Alford.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Prewitt of his rights and provided him with a copy of the petitions.
2. Mr. Prewitt waived his right to a preliminary hearing.
3. The parties advised the Court they had reached an agreement to resolve the allegations in the Petitions.

4. After being placed under oath, Mr. Prewitt admitted Violations 1 through 4 of the Petitions filed in Cause No. 4:17-cr-20-TWP-VTW and 4:17-cr-21-TWP-VTW (Docket No. 10 in each case).
5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- | | |
|----------|--|
| 1 | "The defendant shall make restitution."

Mr. Prewitt agreed to pay \$5 per month towards his restitution; however, Mr. Prewitt has failed to make a payment in over 90 days and has failed to be consistent in his payments. |
| 2 | "You must not commit another federal, state or local crime."

On April 14, 2019, Mr. Prewitt was charged in Scott County, Indiana, under case number 72-1904-F6-168 for a felony count of Theft, and on April 23, 2019, he was convicted of the same. According to the charging document, Mr. Prewitt stole \$197.37 worth of men's clothing. |
| 3 | "You shall reside in a residential reentry center for a term of up to 120 days. You shall abide by the rules and regulations of the facility."

On August 8, 2019, Mr. Prewitt was terminated from residential re-entry center, Dismas House, in Louisville, Kentucky, for a technical violation |
| 4 | "You must refrain from any unlawful use of a controlled substance."

On August 12, 2019, Mr. Prewitt submitted to a random urinalysis, which tested positive for marijuana. Mr. Prewitt admitted to this officer he smoked marijuana while at the Dismas House. |
6. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is VI.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.

7. The parties jointly recommended Mr. Prewitt be sentenced to 21 months of imprisonment with no term of supervised release under both cause numbers 4:17-cr-20-TWP-VTW and 4:17-cr-21-TWP-VTW. The sentences of imprisonment shall be run concurrently.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petitions, that his supervised release should be REVOKED in both cause numbers 4:17-cr-20-TWP-VTW and 4:17-cr-21-TWP-VTW, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 21 months with no term of supervised release to follow. The terms of imprisonment shall run concurrently. The defendant shall report to the U.S. Marshal Service in New Albany on September 18, 2019 at 2:30 PM (Eastern) to begin serving his sentence. The defendant shall remain subject to the currently imposed conditions of supervised release until he reports to the U.S. Marshal Service to begin his sentence.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served with a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 9/17/2019



VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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